

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

CITY OF DETROIT, MICHIGAN

Debtor.

Chapter 9

Case No. 13-53846

Hon. Steven W. Rhodes

***EX PARTE* MOTION FOR SHORTENED NOTICE
AND EXPEDITED HEARING WITH RESPECT TO
MOTION TO COMPEL FULL CLAWBACK OF DEBTOR'S
DOCUMENT PRODUCTION AND RELATED RELIEF**

Assured Guaranty Municipal Corp. (“Assured”), National Public Finance Guarantee Corporation (“National”) and Ambac Assurance Corporation (“Ambac,” and together with Assured and National, the “Movants”), by and through their respective undersigned attorneys, hereby move this Court for entry of an *ex parte* order pursuant to Rules 9006(c)(1) and 9007 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and Rule 9006-1(b) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the Eastern District of Michigan (the “Local Rules”): (a) shortening the notice period with respect to the Movants’ *Motion to Compel Full Clawback of Debtor’s Document Production and Related Relief* (the “Motion to Compel”), and

(b) scheduling the hearing on the Motion to Compel on May 12, 2014. In support of this *Ex Parte* Motion, the Movants state as follows:

Jurisdiction and Venue

1. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A) and (L). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

Relief Requested and Basis for Relief

2. Pursuant to Bankruptcy Rule 9006(c) and Local Bankruptcy Rule 9006-1(b), this Court may, *ex parte*, shorten the notice period provided by Local Bankruptcy Rule 9014-1 for a party to take any action or file any paper. Fed. R. Bankr. P. 9006(c)(1); E.D. Mich. LBR 9006-1(b).

3. The Movants respectfully request that, pursuant to Bankruptcy Rule 9006(a) and Local Bankruptcy Rule 9006-1(b), the Court shorten the notice period with respect to the Motion to Compel and schedule an expedited hearing on the Motion to Compel on May 12, 2014.

4. Contemporaneously with the filing of this *Ex Parte* Motion, the Movants filed the Motion to Compel. For reasons stated in the Motion to Compel, the Movants seek an order directing the Debtor, the City of Detroit,

Michigan (“Debtor” or “City”) to claw back its production of documents made on May 6, 2014, among other relief.

5. The Movants will serve this *Ex Parte* Motion to the parties in the above-captioned proceedings and will provide notice of the *ex parte* order upon issuance pursuant to E.D. Mich. LBR 9006-1(b).

Conclusion

WHEREFORE, Movants respectfully request that this Court enter an order substantially in the form attached hereto as Exhibit 1: (i) granting the relief sought herein; and (ii) granting such other and further relief to the Movants as this Court may deem proper.

Dated: May 9, 2014

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SUMMARY OF ATTACHMENTS

The following documents are attached to this Motion, labeled in accordance with Local Bankruptcy Rule 9014-1(b):

Exhibit 1 – Proposed Form of Order

Exhibit 2 – None [Motion Seeks *Ex Parte* Relief]

Exhibit 3 – None [Brief Not Required]

Exhibit 4 – None [Separate Certificate of Service to Be Filed]

Exhibit 5 – None [No Affidavits Filed Specific to This Motion]

Exhibit 6 – None [No Documentary Exhibits Filed Specific to This Motion]

Exhibit 1

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Hon. Steven W. Rhodes

**ORDER GRANTING *EX PARTE* MOTION FOR SHORTENED
NOTICE AND EXPEDITED HEARING WITH RESPECT
TO MOTION TO COMPEL FULL CLAWBACK OF DEBTOR'S
DOCUMENT PRODUCTION AND RELATED RELIEF**

This matter coming before the Court on the Movants' *Ex Parte Motion for an Expedited Hearing With Respect to Motion to Compel Debtor to Claw Back Improperly Produced Documents* (the "Ex Parte Motion") seeking entry of an order shortening notice and scheduling an expedited hearing with respect to the Movants' *Motion to Compel Full Clawback of Debtor's Document Production and Related Relief* (the "Motion to Compel"); the Court having reviewed the *Ex Parte Motion*; the Court having found that (i) it has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157, (ii) venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409, (iii) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A) and (L), and (iv) notice of the *Ex Parte Motion* was sufficient under the circumstances; the Court having determined after due deliberation that good and sufficient cause exists for granting the relief requested in the *Ex Parte Motion*.

IT IS HEREBY ORDERED THAT:

1. Movants' *Ex Parte* Motion is GRANTED.
2. The hearing with respect to the Movants' Motion shall be held on May 12, 2014 before Hon. Steven Rhodes.
3. Movants are authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the motion.
4. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.
5. The Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

IT IS SO ORDERED.

STEVEN W. RHODES
United States Bankruptcy Judge